(14)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Cr.M.P. No. 501 OF 2007
[Single Bench; Hon'ble Mr. Justice Dhirendra Mishra]

PETITIONER Kailash Yadav, aged about 27 years Son of Bhadu Yadav, Resident of Village Sondongri, Police Station Aamanaka, Raipur (C.G.)

Vs

RESPONDENT The State of Chhattisgarh, Through :The Forest Division (Van Mandal), Chhattisgarh, Raipur (C.G.)

14.11.2007

Shri M.K. Bhaduri, Advocate for the petitioner.

Shri G.K. Beriwal, Dy. A.G. for the State.

Heard on admission.

The petitioner has filed the instant petition under Section 482 of the Cr.P.C. against the order dated 16.10.2007 passed in Criminal Revision No.139/07, whereby the learned 3rd Additional Sessions Judge, Raipur has rejected the revision filed by the petitioner and upheld the order of learned Chief Judicial Magistrate rejecting the application of the petitioner filed for interim custody of the seized vehicle involved in a forest offence.

Perusal of the impugned order shows that a charge sheet was filed against the petitioner in the Court of Chief Judicial Magistrate under Section 41 (1) of the Indian Forest Act (for short "the Act") and under Sections 5 & 15 of the Chhattisgarh Vanopaj Adhiniyam and in the

GRPRJ — FS/246— 2/2007 — 50,000.

(15)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक..... **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश
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said proceeding an application under Section 457 of the Cr.P.C. was filed by the petitioner. During the pendency of that proceedings the forest officials communicated the Chief Judicial Magistrate that a separate confiscation proceedings under the Act is also pending against the petitioner and therefore, in view of the pendency of the confiscation proceeding as also the bar contained in Section 52 (c) of the Act the application for interim custody was rejected by the trial court, which was subsequently upheld by the revisional court vide impugned order.

After going through the impugned order, I am of the considered opinion that there is no illegality or infirmity in the questioned order, which calls for interference in the revisional jurisdiction. The petition has no substance, the same is liable to be dismissed and it is hereby dismissed at the admission stage itself.

In view of above order, I.A. No.1/07 also stands dismissed.

Sd/-
Dhirendra Mishra
Judge

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